

From: Clark Warner
To: Microsoft ATR
Date: 11/27/01 10:27pm
Subject: Microsoft Settlement

TO:
US Department of Justice-Microsoft anti-trust comments:
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Before I begin, let me state up front that I am a former employer of Apple Computer, Inc. The termination of my employment was voluntary and I still think highly of the company and its products. I say this to concede that there may be a possibility of bias despite my efforts to be objective. I feel it is important that I disclose that fact.

That having been said, I must strongly urge the government to reject the proposed settlement. In my view the original remedy was appropriate and I was saddened when it became clear that it would not come to pass. As long as Microsoft maintains a dominant position in operating systems, productivity applications and web applications, competition will be reduced or eliminated in each area.

Putting that aside, I find some very specific flaws in the existing settlement as I currently understand it. As the son of a retired public school teacher I am thrilled at the notion of additional computing equipment for our public schools, especially those in poor districts. I agree, however, with the growing sentiment that Microsoft's plan is inappropriate. The punishment here seems to be to allow Microsoft to gain market share in one of the few markets where they are not currently dominant. Microsoft has demonstrated a willingness to give away products in order to eliminate competition. Indeed, this is exactly what they did to Netscape. Allowing them to use the strategy they have illegally employed as a remedy for that behavior is, quite frankly, a preposterous idea. It is akin to granting permission to an embezzler to embezzle from a subsequent firm in order to repay the initial victim. If aiding our public schools is the goal, then Microsoft should be forced to provide funding exclusively for

the purchase of competing products. There are precious few such products in any market space but perhaps several billion dollars earmarked specifically for non-microsoft products would help make linux, or Mac OS more viable.

I sincerely hope that the government will reject this offer insist upon a remedy that will not benefit Microsoft.

Regards,

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